

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOVELLA CARTER.

Plaintiff[s],

-v-

MONTEFIORE HOSPITAL,

Defendant.

USDS SONY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/6/07

No.07 Civ. 3486 (RJS)
CASE MANAGEMENT PLAN
AND SCHEDULING ORDER
ECF

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on December 6, 2007, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than November 30, 2007.
6. All fact discovery is to be completed no later than March 21, 2007.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
 - a. Initial requests for production of documents to be served by December 7, 2007.
 - b. Interrogatories to be served by December 7, 2007.

- c. Depositions to be completed by March 21, 2008.
- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
- d. Requests to Admit to be served no later than February 20, 2008.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
- a. Expert(s) of Plaintiff(s) ~~April 4, 2008~~ **March 31, 2008**
 - b. Expert(s) of Defendant(s) ~~April 25, 2008~~ **April 10, 2008**
9. All discovery is to be completed no later than May 2, 2008.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery. **(May 12, 2008 at 430)**
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 18. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter.
moving party by April 30, 2008; non-moving party response by May 5, 2008
12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request: [check one]
- a. ☒ Referral to a Magistrate Judge for settlement discussions
- MJ Katz; immediate discussions requested by parties.
 - b. ☐ Referral to the Southern District's Mediation Program
13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
14. Parties have conferred and their present best estimate of the length of trial is five days.

TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for May 12, 2008 at 4:30.

SO ORDERED.

DATED: New York, New York
Dec 6, 2007



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE